

REMARKS

The Examiner has objected to the drawings because the drawings allegedly do not show the curved edge of the slot. Applicant respectfully disagrees and notes that Figure 1B depicts a slot 130 that has a dumbbell shape including two edges 150(1-2) that are curved to form the dumbbell shape. Although the lead lines for the numerals 150(1-2) are connected to relatively straight portions of the curved edges 150(1-2), Applicant respectfully submits that the numerals 150(1-2) refer to the entirety of the curved edges of the dumbbell shaped slot 130. Applicant therefore submits that the drawings show the curved edge of the slot 130 and therefore respectfully request that the Examiner's objection to the drawings be withdrawn.

Applicant acknowledges and appreciates allowance of claims 24-27.

Claims 1, 3, 13, 16, 20, 23, 28, 34, and 37 have been amended. Support for the amendments indicated herein may be found at least in Figure 1 and between lines 6-16 on page 10 of the Patent Application. No new matter has been added. Claims 2, 12, and 41-55 have been canceled. Pursuant to the amendments indicated herein, claims 1, 3-11, and 13-40 are pending in the present application.

In the Office Action, the Examiner objected to claims 23 and 37 because of informalities in the claims. Pursuant to the amendments indicated herein, Applicant respectfully submits that the typographical errors that led to these informalities have been corrected. Applicant respectfully request that the Examiner's objections to claims 23 and 37 be withdrawn.

In the Office Action, the Examiner objected to claims 13-15 for being dependent upon a rejected base claim but indicated that these claims include allowable subject matter. Claim 13 has been amended to incorporate all the limitations of the base claim and the intervening claims.

Applicant therefore respectfully submits that claims 13-15 are in condition for allowance and request that the Examiner's objections to these claims be withdrawn.

In the Office Action, claims 1-12, 16-19, 28-36, and 39 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Minemoto, et al (U.S. Patent No. 5,699,461). Claims 1, 20-23, 28, and 40 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by He, et al (U.S. Patent No. 6,526,193). Claims 2 and 12 have been canceled, rendering the Examiner's rejections of these claims moot. Pursuant to the amendments indicated herein, the Examiner's remaining rejections are respectfully traversed.

The cited references describe various configurations of optical devices that include slots in optical transmission media. However, as stated by the Examiner on page 3 of the Office Action, the prior art of record fails to disclose or render obvious a slot formed in a device layer having a non-zero radius of curvature and a phase adjusting element deployed in the slot. Independent claims 1 and 28 have been amended to set forth a slot having a non-zero radius of curvature and a phase adjusting element deployed in the slot. Applicant therefore respectfully submits that claims 1 and 28, as well as all claims depending therefrom, are allowable over the prior art of record.

Applicant respectfully requests that the Examiner's rejections of claims 1, 3-11, and 13-40 under 35 U.S.C. § 102(b) and/or 35 U.S.C. § 102(e) be withdrawn.

In the Office Action, claims 41-51 and 53 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Hirabayashi, et al (U.S. Patent Application Publication No. 2002/0076161). Claim 52 was rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Hirabayashi in view of Dumont (U.S. Patent Application Publication No. 2006/0084753). Claims 41-55 have been canceled, rendering the Examiner's rejections of these claims moot.

Pursuant to the mammoth and arguments presented in the present response, Applicant respectfully submits that the claims pending in the present application are in condition for allowance. The Examiner is invited to contact the undersigned at (713) 934-4052 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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